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SKY CHEFS, INC.

12  
13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN JOSE DIVISION**

16 SAUNDRA JOHNSON,  
17 individually, and on behalf of all  
others similarly situated,

18 Plaintiff,

19 v.  
20 SKY CHEFS, INC., a Delaware  
21 business entity, and DOE ONE  
through and including DOE ONE  
22 HUNDRED,

23 Defendants.

24 Case No: CV11-05619 LHK  
Assigned to Hon. Lucy H. Koh

25 **STIPULATION AND [PROPOSED]  
26 ORDER EXTENDING BRIEFING  
27 SCHEDULE ON PLAINTIFF'S  
28 MOTION TO STRIKE DEFENDANT'S  
ANSWER TO THE SECOND  
AMENDED COMPLAINT**

1 Plaintiff Saundra Johnson ("Plaintiff") and Defendant Sky Chefs, Inc.  
2 ("Defendant") (Plaintiff and Defendant collectively referred to as "the Parties"), by and  
3 through their respective counsel, hereby stipulate and agree as follows:

4 **STIPULATION**

5 WHEREAS, on October 18, 2012, Plaintiff filed a Second Amended Complaint;

6 WHEREAS, on October 31, 2012, Defendant filed an Answer to the Second  
7 Amended Complaint;

8 WHEREAS, on November 7, 2012, Plaintiff's counsel indicated at a Further Case  
9 Management Conference that Plaintiff intended to file a motion in response to  
10 Defendant's Answer to the Second Amended Complaint;

11 WHEREAS, on November 15, 2012, Defendant requested that Plaintiff to meet  
12 and confer regarding Plaintiff's anticipated motion to strike Defendant's Answer and the  
13 basis for said motion;

14 WHEREAS, on November 20 and 21, 2012, Defendant and Plaintiff met and  
15 conferred by telephone regarding Plaintiff's anticipated motion to strike. During the  
16 parties' meet and confer conference, Plaintiff, through her counsel, indicated that she  
17 intended to file a Third Amended Complaint to add new plaintiffs and the parties  
18 discussed the possibility of Defendant stipulating to allow Plaintiff to file a Third  
19 Amended Complaint without the need to seek leave from the Court;

20 WHEREAS, November 21, 2012 was the last day for Plaintiff to file her Motion to  
21 Strike Defendant's Answer to the Second Amended Complaint and Plaintiff filed said  
22 motion on that date;

23 WHEREAS, Plaintiff's Motion to Strike Defendant's Answer is currently  
24 scheduled to be heard by the Court on February 28, 2012 at 1:30 p.m.;

25 WHEREAS, pursuant to Civil Local Rule 7-3 of the United States District Court,  
26 Northern District of California, Defendant's Opposition to Plaintiff's Motion to Strike  
27 Defendant's Answer must be filed by December 5, 2012 and Plaintiff's Reply must be  
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1 filed by December 12, 2012;

2 WHEREAS, the parties are continuing to meet and confer regarding a potential  
3 stipulation regarding Plaintiff's filing of a Third Amended Complaint to add new parties  
4 without leave from this Court;

5 WHEREAS, pursuant to the Court's July 26, 2012 Minute Order and Case  
6 Management Order, Plaintiff must file a motion to amend and add parties by December  
7 20, 2012;

8 WHEREAS, the filing of a Third Amended Complaint would require Defendant to  
9 file a response to the Third Amended Complaint, which would moot the issues raised by  
10 Plaintiff's Motion to Strike Defendant's Answer to the Second Amended Complaint;

11 WHEREAS, the parties respectfully request that the Court extend the deadline for  
12 Defendant to file its Opposition to Plaintiff's Motion to Strike Defendant's Answer and  
13 Plaintiff's Reply to allow the parties to further meet and confer and to determine whether  
14 Defendant will need to file an Answer to the anticipated Third Amended Complaint.

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1 IT IS THEREFORE STIPULATED AND AGREED that the Defendant shall file  
2 its Opposition to Plaintiff's Motion to Strike Defendant's Answer on or before January  
3 25, 2013 and Plaintiff shall file her Reply to Defendant's Opposition on or before  
4 February 1, 2013.

5 **IT IS SO STIPULATED.**

7 DATED: November 29, 2012

HARRIS & RUBLE



Alan Harris

Priya Mohan

Attorneys for Plaintiff

12 DATED: November 29, 2012

LITTLER MENDELSON



Rebecca M. Aragon

Anthony G. Ly

Attorneys for Defendant

17 **PROPOSED ORDER**

18 **PURSUANT TO STOPULATION, IT IS HEREBY ORDERED AS FOLLOWS:**

19 Defendant shall file its Opposition to Plaintiff's Motion to Strike Defendant's  
20 Answer on or before January 25, 2013;

21 Plaintiff shall file her Reply to Defendant's Opposition to Plaintiff's Motion to  
22 Strike Defendant's Answer on or before February 1, 2013.

24 DATED: November 30, 2012

  
HONORABLE LUCY H. KOH